United Nations CRC/C/COL/CO/4-5

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined fourth and fifth periodic reports of Colombia*

I. Introduction

1. The Committee considered the combined fourth and fifth periodic reports of Colombia (CRC/C/COL/4–5) at its 1955th and 1957th meetings (see CRC/C/SR.1955 and 1957), held on 20 and 21 January 2015, and at its 1983rd meeting, held on 30 January 2015, adopted the following concluding observations.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party (CRC/C/COL/4–5) and the written replies to its list of issues (CRC/C/COL/Q/4–5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee notes with appreciation the ratification of the following:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, in 2012;

(b) Convention on the Rights of Persons with Disabilities, in 2011;

(c) Domestic Workers Convention (No. 189) of the International Labour Organization (ILO), in 2014.

4. The Committee welcomes the adoption of the following legislative measures:

(a) Act No. 1542 on Domestic Violence, in 2012;

(b) Act No. 1448 on Victims and Land Restitution, in 2011;

* Adopted by the Committee at its sixty-eighth session (12–30 January 2015).

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(c) Act No. 1146 on Prevention of Sexual Violence, and Integral Care of Child Victims of Sexual Abuse, in 2007;

(d) Act No. 1098 on the Children and Adolescents' Code, in 2006.

5. The Committee also welcomes the following institutional and policy measures:

(a) Development Plan (2014–2018);

(b) Public Policy on Gender Equality (2012);

(c) Strategic Plan to Eliminate HIV/AIDS Mother-to-child Transmission (2011);

(d) Policy and Strategy on Early Childhood (2010);

(e) National Action Plan for Children and Adolescents (2009-2019).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

The Committee's previous recommendations

6. The Committee recommends that the State party take the necessary measures to address its previous recommendations (CRC/C/COL/CO/3) that have not been implemented or have not been sufficiently implemented, and particularly those relating to independent monitoring (para. 19), data collection (para. 27), training, and dissemination of the Convention (paras. 29-30), and standard of living (para. 66).

Legislation

7. The Committee welcomes the adoption of the Children and Adolescents' Code. It is concerned, however, about its effective implementation, for the following reasons:

(a) The lack of some of the required regulations;

(b) The deficiencies in the functioning of the administrative process for re-establishing rights, as set out in the Code;

(c) The insufficient resources allocated for this purpose;

(d) Accountability for children's rights, including effective access to justice, is not systematically ensured.

8. **The Committee recommends that the State party:**

(a) Ensure the effective implementation of the Children and Adolescents' Code by adopting the pending regulations;

(b) Complete the evaluation of the administrative process for re-establishing rights without further delay so that the process can be strengthened;

(c) Provide adequate human, financial and technical resources for the implementation of the Code;

(d) Take the necessary measures to ensure systematic accountability for children's rights, including by ensuring effective access to justice.

Comprehensive policy and strategy

9. The Committee welcomes the adoption of a number of relevant policies, including the National Action Plan for Children and Adolescents (2009–2019), the Development Plan (2014–2018) and the Policy on Early Childhood. However, it is concerned that most of the efforts have been concentrated on early childhood development, whereas insufficient measures have been taken to adequately implement the National Action Plan and address the rights of children over 6 years of age.

10. **The Committee recommends that the State party review the National Action Plan for Children and Adolescents (2009–2019), in accordance with the Convention, in order to ensure that the rights of all children, including those over 6 years of age, are adequately addressed in a targeted policy and strategy, and allocate sufficient human, technical and financial resources for the implementation of the Plan.**

Coordination

11. The Committee notes the efforts made by the State party to strengthen the National System of Family Welfare, to increase the presence of the Colombian Family Welfare Institute and child-protection entities at local level and to involve departments and municipalities in protecting children's rights. It is concerned, nevertheless, that:

(a) The Institute still has insufficient capacity to ensure the effective coordination of the national System of Family Welfare;

(b) The effective presence of the Institute and child-protection entities is not yet ensured in remote areas and/or on a full-time basis;

(c) Many of the child-protection entities lack adequate technical resources and trained staff;

(d) Insufficient progress has been made by departments and municipalities in protecting children's rights;

(e) It remains unclear how the State party is ensuring the coordination between the national System of Family Welfare and the System of Support and Reparation for Victims to guarantee rights and reparations to child victims of the armed conflict effectively.

12. **The Committee urges the State party to:**

(a) Increase its efforts to ensure the effective implementation of Decree No. 936 aiming to strengthen the National System of Family Welfare;

(b) Provide the Colombian Family Welfare Institute with adequate human, technical and financial resources to enable it to coordinate all the activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels;

(c) Ensure the presence of the Institute and child-protection entities in remote areas and on a full-time basis;

(d) Ensure that child-protection entities have adequate technical resources and trained staff;

(e) Enhance its efforts to ensure that departments and municipalities discharge their responsibilities towards guaranteeing children's rights;

(f) Strengthen its efforts to ensure coordination between the National System of Family Welfare and the System of Support and Reparation for Victims.

Allocation of resources

13. The Committee welcomes the increased budget allocated to early childhood development. It is concerned, however, that insufficient resources are allocated to the adequate implementation of all children's rights under the Convention. It is also concerned about the information provided by the State party (CRC/C/COL/Q/4–5/Add.1) about alleged mismanagement of funds allocated to children's rights, and that in spite of numerous investigations, no trial has yet been concluded.

14. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child—responsibility of States", the Committee recommends that the State party:**

(a) Conduct a comprehensive assessment of the budget needs for children and allocate adequate budgetary resources for the implementation of children's rights, and, in particular, increase the budget allocated to social sectors and address disparities on the basis of indicators relating to children's rights;

(b) Adopt a child-rights approach when preparing the State budget, by implementing a system for tracking the allocation and use of resources for children throughout the budget;

(c) Carry out impact assessments of how the best interests of the child are taken into consideration in investments or budget cuts in any sector, and ensure that the effects of such investment or budget cuts on girls and on boys are measured;

(d) Take immediate measures to combat corruption and strengthen institutional capacities to detect, investigate and prosecute corruption effectively.

Cooperation with civil society

15. While the Committee notes that the State party has condemned attacks against human rights defenders, it is concerned that defenders involved in the promotion of children's rights continue to suffer violence and that extensive impunity persists in this regard. It is also concerned that women human rights defenders are the victims of attacks or threats of attack against themselves or against their children, or are the victims of sexual violence. It is further concerned that protection measures for defenders are not sufficient and lack a differentiated approach.

16. **The Committee urges the State party to:**

(a) Take the necessary measures to prevent, investigate, prosecute and punish attacks and other forms of violence perpetrated against human rights defenders, including threats against their children, family members and communities;

(b) Ensure effective protection measures for human rights defenders which take into account the specific needs and situation of women human rights defenders and the specific ethnicity and living conditions of defenders, and allocate adequate resources for their implementation.

Children's rights and the business sector

17. The Committee is concerned about the negative impact on children's rights of some of the activities conducted by business enterprises, in particular in the mining and tourism sectors. It regrets that the State party has not yet taken the necessary measures to protect children from violations of their rights arising from these activities, including children whose rights are affected by the coal mining activities in El Hatillo.

18. **In the light of its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:**

(a) Examine and adapt its legislative framework to ensure the legal accountability of business enterprises and their subsidiaries operating in or managed from the State party's territory, especially in the mining and tourism sectors, regarding violations of children's rights;

(b) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and human rights impacts of their business activities and their plans to address such impacts;

(c) Establish monitoring mechanisms for the investigation and redress of such abuses, with a view to improving accountability, transparency and the prevention of violations;

(d) Take the necessary measures to protect the rights of children in El Hatillo, including by expeditiously ensuring their resettlement in accordance with international standards, and adequately compensate them.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

19. While noting the measures taken to eliminate discrimination against children in marginalized or disadvantaged situations, the Committee is deeply concerned about:

(a) The structural discrimination against indigenous, Afro-Colombian and displaced children, children with disabilities, children living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, and children living in rural, remote and marginalized urban areas, particularly affecting their right to education and health and exposing them to violence;

(b) The persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women, resulting in an extremely high prevalence of violence against girls.

20. **The Committee recommends that the State party:**

(a) Strengthen its efforts to eliminate discrimination against children in marginalized situations by providing adequate resources for relevant policies and affirmative measures to ensure that children gain de facto enjoyment of their rights, in particular their rights to education and health.

(b) Take the necessary measures to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls and women, including through strengthening the implementation of the Public Policy on Gender Equality and through educational and awareness-raising programmes;

(c) Monitor the portrayal of children in the media, on the Internet and in statements of public officials, and ensure that the authorities, civil servants, the media, teachers, children and the general public are sensitized to the negative impact of stereotypes on children's rights;

(d) Facilitate child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative-care institutions and in any other setting;

(e) Include information in its next periodic report on measures in this regard undertaken by the State party as follow-up to the Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, as well as the outcome document of the 2009 Durban Review Conference.

Best interests of the child

21. The Committee notes the legal recognition of the right of the child to have his or her best interests taken as a primary consideration. Nevertheless, it is concerned at reports that this right has not been consistently applied in practice owing to a lack of conceptual clarity regarding its content.

22. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. The State party is encouraged to develop criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

Right to life, survival and development

23. The Committee remains concerned about the insufficient measures taken by the State party to protect children's right to life, including in the context of the armed conflict. It is particularly concerned that:

(a) Many children are the victims of killing and disappearance, including killing committed by government agents; and extensive impunity prevails in this regard. The root causes of those violent acts—such as the armed conflict, organized crime, corruption, drugs, poverty and marginalization—remain insufficiently addressed;

(b) Violence has increased in some regions where the criminal gangs resulting from the demobilized paramilitary groups (BACRIM) have a greater presence, putting the lives of children at risk every day. While noting that the State party has started making investigations, reports on relationships between government agents and the BACRIM are a source of concern;

(c) Many children continue to be used by adults to commit crimes.

24. **The Committee urges the State party to make every effort to reinforce the protection of children's right to life, survival and development, including by:**

(a) Increasing its efforts to prevent the killing and disappearance of children and their family members, and addressing the root causes of those violent acts, such as the armed conflict, organized crime, corruption, drugs, poverty and marginalization;

(b) Ensuring that child-friendly mechanisms to investigate complaints of killings and disappearances are available, that such acts are thoroughly investigated and the alleged perpetrators brought to justice;

(c) Adequately implementing the Act on Victims and Land Restitution and ensuring that child victims and their families, including victims of acts perpetrated by BACRIM, are provided with adequate support and compensation;

(d) Continuing its efforts to fully investigate reports of relationships between government agents and BACRIM;

(e) Taking all measures to prevent adults from using children to commit crimes, and to protect child victims and prosecute the alleged perpetrators.

Respect for the views of the child

25. The Committee notes that the State party has made some efforts to promote the right of the child to be heard and participate, such as by establishing children's forums. It is concerned, however, about reports that children are rarely consulted in relevant

administrative or judicial proceedings and that children's participation in schools is not effective as their proposals are rarely implemented, and about delays in implementing the Protocol on the participation of children in the implementation of the Victims and Land Restitution Act.

26. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen that right, in accordance with article 12 of the Convention, and that it:**

(a) Review the National Action Plan for Children and Adolescents and include in it effective measures to ensure the right of the child to be heard in all judicial and administrative proceedings and to participate in all spheres of life. The different needs of boys and girls in terms of participation should be addressed;

(b) Continue developing guidelines and indicators for child participation and, in particular, for children's right to be heard in legal and administrative procedures, and ensure that the professionals involved receive training in their use;

(c) Ensure that children's forums are established in all municipalities and departments, and closely monitor their performance and results;

(d) Ensure that implementation of the Protocol on the participation of children in the implementation of the Victims and Land Restitution Act starts at the latest in March 2015 throughout the country, as stated by the State party during the dialogue.

C. Violence against children (arts. 19, 24, para. 3, 28, para. 2, 34, 37 (a) and 39)

Freedom of the child from all forms of violence

27. The Committee is deeply concerned at the high levels of violence that children are confronted with, and in particular about:

(a) Reports that children continue to be the victims of acts of torture and other cruel or degrading treatment or punishment committed by government agents and/or non-State armed groups;

(b) The high prevalence of domestic violence and abuse, particularly affecting girls, including those involved in domestic work. The Committee is concerned that, as a result of the deficiencies in the administrative process for re-establishing rights, child victims are removed from the home environment, whereas the perpetrator remains in the home;

(c) The high incidence of violence against children perpetrated by gangs in the streets;

(d) Reports that corporal punishment remains widespread and that it is not yet explicitly prohibited in all settings, including in the home;

(e) The extensive impunity prevailing for acts of violence against children;

(f) The physical and mental well-being of children involved in training for bullfighting, and performances associated with it, as well as the mental and emotional well-being of child spectators who are exposed to the violence of bullfighting;

(g) The lack of a comprehensive system for the collection of disaggregated data on violence against children.

28. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling the recommendations of the 2006**

United Nations study on violence against children (A/61/299), the Committee urges the State party to prioritize the elimination of all forms of violence against children, and in particular to:

(a) Evaluate the results of the National Action Plan for Children and Adolescents in this regard, and based on lessons learned take adequate measures to prevent and address all forms of violence against children, including girls involved in domestic work, and ensure that the gender dimension of violence is addressed effectively;

(b) Prevent acts of torture against children, including by investigating all cases and ensuring that the police and the military receive specific training;

(c) Strengthen the administrative process for re-establishing rights and its coordination with the judicial process so as to ensure that the rights of child victims of violence are re-established expeditiously, that victims of domestic violence can return home safely and as soon as possible, and that the alleged perpetrators are removed from the house;

(d) Ensure that teachers, social workers, health-care staff, the police, judges, prosecutors and lawyers, receive quality training on their obligation to report and deal with suspected cases of domestic violence and abuse affecting children;

(e) Repeal article 262 of the Civil Code on the "right of correction",and ensure that corporal punishment in all settings is explicitly prohibited, including for indigenous children, and raise awareness of positive, non-violent and participatory forms of child-rearing;

(f) Take the necessary measures to prevent and protect children from the violence perpetrated by gangs in the streets;

(g) Ensure the availability and quality of prevention, protection, rehabilitation and reintegration programmes, including health services and psychosocial support, free helplines and appropriate shelters for all victims;

(h) Facilitate access to justice for child victims of violence, including by making available child-friendly complaint mechanisms and providing legal support, bring the alleged perpetrators to justice, ensure commensurate sanctions and adequately compensate the victims;

(i) With the aim of prohibiting the participation of children in bullfighting, including *corralejas*, take the necessary legislative and administrative measures in order to protect all children involved in bullfighting training and performances, as well as in their capacity as spectators, and raise awareness of the physical and mental violence associated with bullfighting and its impact on children;

(j) Expedite the establishment of a comprehensive information system that includes disaggregated data on cases of violence against children, not only data from the Colombian Family Welfare Institute, and undertake a comprehensive assessment of the extent, causes and nature of such violence;

(k) Cooperate with the Special Representative of the Secretary-General on violence against children, and other relevant United Nations institutions.

Sexual exploitation and abuse

29. While noting the initiatives to protect children from sexual violence, including the establishment of the Inter-institutional Advisory Committee for the Prevention of Sexual Violence and for the Integral Care of Child Victims of Sexual Abuse, the Committee is concerned that these measures are largely insufficient. It is deeply concerned about:

(a) The high prevalence of sexual violence against children, especially girls, in the context of the armed conflict, and the under-registration of such cases;

(b) The high number of girls under 14 years of age giving birth in hospitals as a result of sexual violence and that these cases are not expeditiously investigated, while noting that the State party has recently taken measures to ensure mandatory reporting by medical staff. The Committee is particularly concerned at reports that many of the alleged perpetrators are relatives of the victims;

(c) The enormous challenges that child victims face to access justice effectively, and the prevalence of impunity for the alleged perpetrators in most of these cases;

(d) The lack of adequate health and psychosocial programmes and suitable mechanisms to provide reparation to child victims of sexual violence, in particular when violations are committed by the BACRIM or outside the context of the armed conflict.

30. **The Committee urges the State party to:**

(a) Establish a single register of victims of sexual violence, in particular in the context of the armed conflict, in order to have a comprehensive view of all victims and their judicial, administrative, health-care, rehabilitation and compensation processes. In addition, a study should be carried out of the forms, causes and nature of such violence;

(b) Take effective and coordinated measures, adopting a clear rights-based approach, to prevent and respond to cases of sexual violence and to avoid revictimization, including by strengthening mechanisms to ensure the prompt identification of children at risk, confidential, child-friendly and mandatory reporting of cases, and sufficient protection of victims;

(c) Enforce the decision on mandatory reporting by medical staff of cases of sexual violence against children, proactively investigate all cases, including those affecting indigenous girls, prosecute the alleged perpetrators, apply appropriate sanctions, and adequately protect and rehabilitate the victims;

(d) Ensure that child victims of sexual violence, including when the case occurs outside the context of the armed conflict, are adequately compensated, and that child victims of violence perpetrated by BACRIM are compensated according to the Victims and Land Restitution Act;

(e) Strengthen the Inter-institutional Advisory Committee for the Prevention of Sexual Violence and for the Integral Care of Child Victims of Sexual Abuse, monitor its functioning and evaluate its achievements;

(f) Provide training for judges, lawyers, prosecutors, the police and other relevant professional groups on how to deal with child victims of sexual violence and on how gender stereotyping by the judiciary affects girls' right to a fair trial in sexual violence cases, and closely monitor trials in which girl victims are involved;

(g) Conduct awareness-raising to prevent sexual abuse, inform the general public that it is a crime, and address victim stigmatization, particularly when alleged perpetrators are relatives.

Harmful practices

31. The Committee is concerned that:

(a) The Civil Code still contains an exception to the minimum age of marriage, set at 18 years, and allows 14-year-old girls and boys to enter marriage with the consent of their parents or guardians. It is also concerned that child marriage, particularly of girls, is highly prevalent in the State party;

(b) In spite of the public commitment of the Embera community's authorities to end the practice of female genital mutilation, the community still continues this practice.

32. **The Committee draws the State party's attention to general comment No. 18 on harmful practices (2014), which was issued jointly with the Committee on the Elimination of Discrimination against Women, and urges the State party to:**

(a) Ensure that the minimum age of marriage, set at 18 years of age for both girls and boys, is enforced, that in no circumstance can a child below 16 be married and that the grounds for obtaining a derogation as of 16 years of age, only upon the authorization of a competent court and with the full, free and informed consent of the child, are strictly defined by law. The State party should undertake comprehensive awareness-raising programmes on the negative consequences of child marriage on girls, targeting parents, teachers and community leaders, in particular;

(b) Register and investigate all cases of female genital mutilation in the Embera and other communities, explicitly criminalize it in the legislation and ensure that alleged offenders are prosecuted and adequately punished. The State party, in coordination with indigenous authorities, should also reinforce awareness-raising programmes, targeting both men and women, including officials at all levels and indigenous leaders, on the harmful effects of this practice.

D. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2, 20, 21, 25 and 27, para. 4)

Children deprived of a family environment

33. The Committee welcomes the measures taken by the State party to support families living in precarious conditions and to prevent separation or abandonment of children. However, it remains concerned about:

(a) The high number of cases of abandoned children;

(b) Reports that children continue to be separated from their families because of poverty, in particular children of displaced families;

(c) The failure to reduce institutionalization and ensure that it is used only as a last resort;

(d) Some institutions and foster homes not complying with international standards;

(e) The lack of disaggregated data on children whose families benefit from assistance, and on children deprived of a family environment.

34. **The Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex) and, in particular:**

(a) Ensure in practice that children are not separated from their families because of poverty or for financial reasons;

(b) Provide further support to families in order to prevent separation or abandonment of children and ensure compliance with maintenance obligations, including through offering counselling, legal support and financial contributions;

(c) When alternative care is necessary, prioritize foster care and ensure that institutionalization is used only as a last resort;

(d) Strengthen its efforts to provide foster families and personnel working in institutions with training on children's rights and the particular needs of children deprived of a family environment;

(e) Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of the care, including by providing adequate resources and accessible channels for reporting, monitoring and remedying the maltreatment of children;

(f) Collect disaggregated data on children whose families benefit from assistance and those deprived of a family environment.

Adoption

35. The Committee remains concerned that:

(a) The number of international adoptions continues to be high and that national adoptions are not prioritized;

(b) There are reports that not all adoptions are directly administered by the Colombian Family Welfare Institute and that private adoption houses and institutions are still operating, increasing the risk of improper financial and other gain, including children being sold for adoption;

(c) Restrictive criteria on adoptability are applied.

36. **The Committee reiterates its recommendations (CRC/C/COL/CO/3, para. 57 and CRC/C/OPSC/COL/CO/1, para. 21) and recommends that the State party:**

(a) Strengthen efforts to prioritize domestic adoptions;

(b) Ensure that all national and international adoptions are administered through the Colombian Family Welfare Institute, which has been designated as the competent authority in accordance with article 21 of the Convention on the Rights of the Child and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;

(c) Prohibit adoption through private houses and institutions where there is a risk of improper financial and other gain, including a risk of children being sold for adoption;

(d) Implement the protocol on adoptions, set out in the Constitutional Court ruling T-844 of 2011, establishing the criteria for the procedure and for the responsibilities of the authorities involved in adoption processes, and avoid applying restrictive criteria on adoptability.

E. Disability, basic health and welfare (arts. 6, 18, para. 3, 23, 24, 26, 27, paras. 1–3, and 33)

Children with disabilities

37. The Committee welcomes the measures taken by the State party to improve the conditions of children with disabilities, such as the adoption in 2013 of the National Economic and Social Policy Council (CONPES) paper 166 on persons with disabilities. It remains concerned, however, that:

(a) Some regulations still need to be adopted to ensure the implementation of the relevant legal provisions;

(b) There is a lack of strategy to achieve inclusive education, inclusive services, accessible buildings and adequate health services, and leisure activities are not available, in

particular in rural areas, and insufficient measures have been adopted to ensure the coordination between the relevant entities;

(c) Comprehensive disaggregated data on children with disabilities is lacking.

38. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:**

(a) Adopt all pending regulations in this regard, in particular on social benefits for parents of a child with disabilities;

(b) Set up a comprehensive strategy to develop inclusive education and ensure that inclusive education is given priority over education in specialized institutions;

(c) Take measures to ensure coordination between the Colombian Family Welfare Institute and the national system on disability, including at the local level;

(d) Ensure the availability and accessibility of specialized health-care services, buildings, inclusive services, participatory forums, and leisure and cultural activities for children with disabilities, in particular in remote and rural areas, including by allocating adequate resources;

(e) Strengthen administrative remedies for children with disabilities whose rights have been violated and facilitate their access to justice, including by providing free legal aid;

(f) Collect disaggregated data on children with disabilities.

Health and health services

39. While welcoming the progress made in reducing child mortality and malnutrition, the Committee is concerned that:

(a) Health-related legislation and policies are poorly implemented;

(b) Child and maternal mortality rates continue to be very high, particularly among rural, indigenous and Afro-Colombian populations;

(c) Children not registered with a health-service provider are often refused health-care services;

(d) Twenty per cent of the child population have not received all scheduled vaccinations;

(e) Chronic malnutrition persists, in particular among indigenous and Afro-Colombian children;

(f) Exclusive breastfeeding declined in 2010 and there is persisting inadequate baby feeding practices persist.

40. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) Ensure the availability and accessibility of health services for all children, in particular rural, indigenous and Afro-Colombian children, by allocating adequate resources and monitoring the implementation of relevant policies;

(b) Establish independent mechanisms for investigating cases of child and maternal mortality, and provide legal sanctions when they are due to negligence on the part of health personnel;

(c) Increase its efforts to reduce maternal and child mortality, including by implementing the OHCHR technical guidance on the application of a human rights-

based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(d) Ensure that all children are registered with a health-service provider;

(e) Strengthen administrative remedies for children whose right to health has been violated, facilitate their access to justice by providing them with free legal aid and ensure that all court decisions are taken and implemented expeditiously;

(f) Enhance its efforts to ensure that the full vaccination schedule is implemented throughout the country, in particular in remote areas;

(g) Review and update the 2008 policy on nutritional security and adopt an action plan to implement it;

(h) Strengthen efforts to promote breastfeeding through educational campaigns and the provision of training to professionals, and adequately implement the International Code of Marketing of Breast-milk Substitutes and the Baby-Friendly Hospital Initiative;

(i) Seek financial and technical assistance from the United Nations Children's Fund (UNICEF) and the World Health Organization, among others, in this regard.

Mental health

41. While noting the measures taken by the State party to address mental-health problems among children, the Committee is concerned that many children suffer from mental-health problems. It is also concerned about the increasing prevalence of suicide among children, in particular adolescents and indigenous children.

42. **The Committee recommends that the State party strengthen the mental-health programmes for children and provide quality services, taking into consideration the culture of indigenous children, and:**

(a) Urgently conduct an in-depth study to analyse the root causes of suicide and other mental-health problems among children, with special focus on adolescents, as a basis for the adoption of a comprehensive strategy of prevention and early intervention. The Committee also recommends that counselling services be provided in schools and communities and that awareness-raising activities be carried out to prevent mental-health problems and suicide;

(b) Take measures to increase the number of multidisciplinary teams and specialists in children's mental health, including for eating disorders, and to provide proper facilities, and outpatient services, for psychosocial rehabilitation;

(c) Ensure that all professionals working with children are trained to identify and address mental-health problems, including suicidal tendencies, in particular in schools, alternative-care settings, displaced communities, indigenous communities and juvenile detention centres.

Adolescent health

43. The Committee notes the development of a national strategy for the prevention of adolescent pregnancies. It remains, nevertheless, concerned about:

(a) The very high rate of adolescent pregnancies, in particular in rural areas, including among girls under 15 years of age;

(b) The high rate of maternal mortality among adolescents as a result of inadequate access to sexual and reproductive services;

(c) Reports of many obstacles to, or unjustified denials of access to, legal abortion services and of the refusal of the authorities and medical staff to comply with the related decisions of the Constitutional Court.

44. **In the light of its general comment No. 4 (2003) on adolescent health, the Committee recommends that the State party:**

(a) Intensify its efforts to reduce teenage pregnancies by promptly adopting and adequately implementing the national strategy on the prevention of adolescent pregnancies;

(b) Enhance its efforts to reduce teenage maternal mortality by ensuring adequate sexual and reproductive health services, including emergency contraception, antenatal, delivery, postnatal and safe abortion and post-abortion services, and a monitoring mechanism. The State party is encouraged to consider the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality (A/HRC/21/22);

(c) Ensure that girls have access to legal abortion in accordance with ruling C-355 of the Constitutional Court, including by devising a monitoring mechanism on compliance with the ruling, ensuring that the views of the child are always heard and respected in abortion decisions, providing effective access to justice for girls who are denied those services, and ensuring that those responsible are sanctioned;

(d) Raise awareness among the authorities, medical staff, parents, teachers, religious leaders and the public on sexual and reproductive health and rights.

HIV/AIDS

45. While noting the measures taken to eliminate mother-to-child transmissions of HIV/AIDS, the Committee remains concerned that such transmissions continued to increase during the reporting period.

46. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party strengthen its efforts to implement the Strategic Plan to Eliminate HIV/AIDS Mother-to-child Transmission, provide adequate services and resources and ensure accountability. Further technical assistance should be sought from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.**

Drug and substance abuse

47. The Committee remains concerned that children continue to abuse drugs at increasingly early ages and that the State party has not adopted sufficient measures to address the phenomenon.

48. **The Committee recommends that the State party amend Act 1566 on the comprehensive care of drug users to include specific actions for the care of children who are drug users, and adopt a targeted policy, adequately resourced, which should include appropriate measures for prevention, protection, counselling and rehabilitation.**

Environmental health

49. While noting the initiatives of the State party to promote a healthy environment, the Committee remains concerned about the negative effects of polluted air, water and soil and electromagnetic pollution on children's health and the insufficient measures taken to address that challenge.

50. **The Committee recommends that the State party:**

(a) Conduct an assessment of the effects of polluted air, water and soil and electromagnetic pollution on children's health as a basis for designing a well-resourced strategy to remedy the situation, and regulate the maximum concentrations of air and water pollutants;

(b) Comply with the orders of the Constitutional Court related to electromagnetic pollution, including the call for regulating the positioning of mobile-telephone towers at a safe distance from educational institutions, homes, neighbourhoods, hospitals, etc.

F. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

51. While welcoming the progress made towards introducing free education at all levels in public schools and the statement made by the delegation that more resources will be invested in education, the Committee remains concerned about:

(a) The low quality of education, insufficient and deficient infrastructure and lack of qualified teachers, resulting from an inadequate budget allocation;

(b) The significant differences in education coverage, mostly affecting indigenous, Afro-Colombian, displaced and rural children, in particular girls;

(c) The ineffective implementation of the policy on education for indigenous and Afro-Colombian children, while noting the adoption of Decree 1953 in October 2014 aiming at reinforcing the autonomy of indigenous peoples in the area of education;

(d) The high dropout rate, the insufficient measures to identify and address its root causes, and reports that many of the girls who drop out do so because of pregnancy;

(e) Teachers' exposure to an increasing number of death threats and violence, attacks against schools, military bases and military units near schools, the occupation of schools and school study visits to military centres against directives;

(f) The need to strengthen educational programmes on human rights, gender equality, international humanitarian law and peace.

52. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) Increase its efforts to improve the quality of education and its availability and accessibility to displaced and rural children, particularly girls, by substantially increasing the education budget, providing quality training for teachers and ensuring that schools are built far away environmental at-risk areas and from military targets;

(b) Ensure the effective implementation of the policy on education for indigenous and Afro-Colombian children by allocating adequate resources and fully implementing Decree 1953 aiming at reinforcing the autonomy of indigenous peoples in the area of education;

(c) Strengthen measures to address school dropout, taking into consideration the particular reasons why boys and girls drop out;

(d) Increase its efforts to ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;

(e) Closely monitor compliance with directives prohibiting civilian-military activities, the occupation of schools and other actions that put the educational community at risk, and sanction those who do not comply with them;

(f) Undertake an assessment of the measures taken so far to protect teachers and other school staff who have been threatened or attacked and, on the basis of the lessons learned, establish effective mechanisms and protocols for their protection;

(g) Strengthen its efforts to include comprehensive educational programmes on human rights, gender equality, international humanitarian law and peace, in the mandatory school curricula.

Early childhood development

53. The Committee welcomes the adoption of the policy on early childhood and its related strategy. It is concerned, nevertheless, about the insufficient measures taken to ensure that all children throughout the territory benefit from the effective implementation of the strategy.

54. **The Committee recommends that the State party strengthen coordination among relevant entities and allocate adequate human, technical and financial resources to the strategy on early childhood to ensure that all children benefit from its implementation, in particular children in rural and remote areas, children with disabilities, children living with HIV/AIDS, children in prison with their mothers, children of adolescent mothers, and displaced, indigenous and Afro-Colombian children.**

G. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) 38, 39 and 40)

Displaced children

55. While noting the programmes to protect displaced children, the majority being Afro-Colombian or indigenous children, the Committee remains concerned that these efforts have been insufficient to adequately ensure the rights of displaced children, as ordered by the Constitutional Court. It is particularly concerned that the specific needs of displaced girls, who are greatly exposed to violence and discrimination, have not been satisfactorily addressed.

56. **The Committee recommends that the State party:**

(a) Evaluate the "mobile units" strategy and similar initiatives and, based on lessons learned and in line with the Constitutional Court decisions, strengthen measures to protect displaced children and their families from violence, and ensure their access to food, adequate housing, education, recreation, health, civil registration, justice and integrated mental health and psychosocial rehabilitation services. Resources should be increased and monitoring mechanisms and coordination among relevant bodies strengthened;

(b) Adequately address the specific needs of displaced girls, and ensure their protection from child labour, school dropout and violence, including sexual violence and exploitation;

(c) Strengthen its efforts to ensure the effective implementation of the Victims and Land Restitution Act in relation to displaced children, including by allocating adequate resources, ensuring access to justice and free legal aid and strengthening coordination among relevant institutions;

(d) Further strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees and fully adhere to the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

Children belonging to minority or indigenous groups

57. The Committee notes the measures taken by the State party to ensure the rights of indigenous and Afro-Colombian children. It nevertheless remains concerned that they continue to face discrimination and numerous challenges in accessing education, health care, civil registration services and justice. It also remains concerned that they are disproportionally affected by violence and the armed conflict and overrepresented among displaced children and children recruited by non-State armed groups.

58. **In the light of its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee recommends that the State party:**

(a) Increase its efforts and take affirmative measures to ensure that indigenous and Afro-Colombian children, including displaced children, enjoy their rights in practice, in particular in the area of health, education and access to justice;

(b) Strengthen its efforts to ensure that all Afro-Colombian and indigenous children are registered immediately after birth, and to facilitate cost-free registration of those who were not registered at birth;

(c) Strengthen measures to protect indigenous and Afro-Colombian children and their families from violence, including sexual violence, and the impact of the armed conflict. Such measures should be developed in consultation with Afro-Colombian and indigenous leaders.

Economic exploitation, including child labour

59. The Committee notes the legal and policy measures taken by the State party to protect children from economic exploitation. However, it is concerned about the high number of children involved in child labour. In particular, it remains deeply concerned about the persistent involvement of children in dangerous and/or degrading work such as agricultural labour in illegal crops, drug dealing, illegal mining and bullfighting.

60. **The Committee urges the State party to:**

(a) Enhance its efforts to eliminate child labour, including by ensuring that legal proceedings are taken against those who exploit children economically and that the child victims are provided with adequate compensation;

(b) Evaluate the results of the National Strategy for the Prevention and Eradication of the Worst Forms of Child Labour (2008-2015) and, on the basis of the lessons learned, review the Strategy and allocate adequate resources for its effective implementation. A monitoring mechanism and a gender perspective should be included in the Strategy;

(c) Seek technical assistance in this regard from the ILO International Programme on the Elimination of Child Labour.

Children in street situations

61. The Committee notes the measures taken to address the phenomenon of children in street situations. It remains concerned, however, that these efforts are insufficient, do not adequately address structural problems and are limited to some of the main cities. It notes with concern that these children are generally stereotyped as criminals.

62. **The Committee reiterates its recommendation (CRC/C/COL/CO/3, para. 85) and recommends that the State party:**

(a) Conduct a national study of the scope and causes of the phenomenon of children in street situations, with disaggregated data, and regularly update the information;

(b) Evaluate the consistency and impact of the initiatives taken so far and, on the basis of the lessons learned, develop a comprehensive and well-resourced policy to prevent and reduce the phenomenon of children in street situations. The policy should address the different needs of boys and girls;

(c) Strengthen its efforts to ensure that children in street situations are provided with adequate nutrition, shelter, health care, educational opportunities and protection from all forms of violence, including sexual abuse, and that they are not viewed as criminals.

Follow up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

63. The Committee notes the measures taken by the State party to implement the Optional Protocol, such as the criminalization of the sale of children. However, it is concerned about the low rate of implementation of the related laws, policies and programmes. It is particularly concerned about:

(a) Sexual exploitation of children being widespread and increasing, in particular around extractive industries and military and national police bases;

(b) The extensive impunity for the offences under the Optional Protocol, as a result of, among other things, challenges related to administrative and judicial procedures; and the lack of adequate protection for victims and witnesses.

(c) The high number of organizations based in the State party that are involved in international networks of sexual exploitation, in particular child pornography;

(d) The widespread trafficking of children, particularly girls, affecting displaced, Afro-Colombians and indigenous children, and the insufficient measures taken to identify and assist child victims;

(e) The National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of Children not functioning adequately.

64. **The Committee recommends that the State party:**

(a) Enforce the legislation, by actively identifying, investigating and prosecuting offences under the Optional Protocol in a child-friendly manner, sanctioning the perpetrators and compensating the victims;

(b) Conduct a study on the scope of the offences under the Optional Protocol that also addresses root causes and risk factors, including poverty, conflict, discrimination, violence—including gender-based violence—and the absence of parental care;

(c) On the basis of lessons learned, review and update the National Action Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children and Adolescents and ensure that other areas covered by the Optional Protocol, such as the sale of children, are also addressed in a policy and strategy, which should include a gender perspective and a monitoring mechanism;

(d) Strengthen the National Committee for the Prevention and Eradication of Commercial Sexual Exploitation of Children, including by providing it with adequate resources to ensure that it can properly fulfil its responsibilities;

(e) Strengthen prevention, protection, recovery and social reintegration programmes, allocate adequate resources and ensure that the programmes for child victims of sexual exploitation are in accordance with the outcome documents adopted at the world congresses against the commercial sexual exploitation of children;

(f) Improve the training provided to professional groups dealing with child victims of crimes under the Optional Protocol and awareness-raising activities for the tourism industry, for children and parents, in particular in groups at risk, and for the public;

(g) Strengthen international cooperation through human rights-based multilateral, regional and bilateral arrangements for identifying, investigating, prosecuting and punishing those responsible for offences under the Optional Protocol, which takes into consideration the best interests of the child.

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

65. While noting the measures taken to protect children from the armed conflict, the Committee remains deeply concerned about the continuous violations of children rights, mostly affecting rural, indigenous and Afro-Colombian children and children from marginalized urban areas. It is particularly concerned about:

(a) The continuous recruitment of children by non-State armed groups;

(b) The heavy recruitment of children by the BACRIM and reports that some of these children are prosecuted by the State party as criminals and not treated as victims, and are therefore not included in the programme of the Colombian Family Welfare Institute for demobilized children;

(c) Girls recruited being subjected to serious sexual violence in a repeated and systematic manner, including rape, sexual slavery and exploitation, forced pregnancy and abortion, and the passing on of sexually transmitted diseases;

(d) Continuous installation of explosive artefacts by non-State armed groups and the reductions in the budget allocated to anti-personnel mines, unexploded ordnance and other improvised explosive artefacts programmes;

(e) The numerous violations of children's rights allegedly committed by the police and armed forces, in particular sexual violence, and the continuing use of children for intelligence-gathering activities;

(f) The very low number of prosecutions for offences under the Optional Protocol;

(g) The insufficient coordination between institutions dealing with child victims of recruitment.

The Committee urges the State party to:

(a) Evaluate and adjust the CONPES 3673 (2010) policy on the prevention of child recruitment and ensure adequate resources, strengthened institutions and coordination mechanisms, in particular in those regions most affected by the armed conflict;

(b) Strengthen the information and early warning systems relating to children in armed conflict with a view to providing adequate, immediate and efficient institutional responses. Those responses should include the protection of children and their families, in cases of threats or risks and the possibility of transferring them to safe sites;

(c) Undertake every effort to ensure the demobilization and effective reintegration of children recruited and/or used in hostilities;

(d) Strengthen measures to ensure that child victims of the offences covered under the Optional Protocol are provided with immediate, culturally responsive and child-sensitive assistance for their physical and psychological recovery and social reintegration. The specific needs of formerly recruited girls or girls used in hostilities should be taken into consideration, in particular those who are victims of sexual violence;

(e) Urgently and thoroughly investigate all offences under the Optional Protocol, including those related to sexual violence and those allegedly committed by the police and armed forces, prosecute the alleged perpetrators, adequately punish those convicted and compensate the child victims and their families. Appropriate legal assistance should be provided to the victims;

(f) Enforce the existing institutional directives aimed at protecting children's rights, particularly the directives ordering the suspension of all civilian-military activities involving children, which should include those conducted by the police, and prohibiting the use of children for military intelligence gathering;

(g) Allocate adequate resources to mine-risk education and care programmes for victims;

(h) Evaluate the training provided to the police, armed forces and other professional groups dealing with child victims of the offences covered by the Optional Protocol, and on the basis of the lessons learned, increase the quality and quantity of the training, and ensure it is gender-sensitive;

(i) As mandated by the Constitutional Court (C-781 of 2012), consider as victims all children recruited and/or used by the BACRIM and all children recruited and/or used in hostilities by other non-State armed group, and ensure that they are included in the Colombian Family Welfare Institute's programme for demobilized children and that they receive adequate reparation;

(j) Continue ensuring that children's opinions, interests and needs are considered during the current peace process.

Administration of juvenile justice

66. While noting the establishment of the System of Criminal Responsibility for Adolescents, the Committee is concerned about its ineffective implementation, and in particular about:

(a) The regressive legal proposals to reduce the age of criminal responsibility, increase sanctions, and expand the list of crimes for which children may be deprived of their liberty;

(b) The excessive delays in designating a governing body for the System;

(c) The lack of adequately trained and specialized staff in the System and the insufficient allocation of resources;

(d) The disproportionate use of deprivation of liberty as a punishment for adolescents;

(e) The insufficient measures taken to improve the conditions in juvenile detention centres and to prevent violence against children in detention.

67. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully**

into line with the Convention and other relevant standards. In particular, the Committee urges the State party to:

(a) Ensure that any potential legal reform of juvenile justice complies with the Convention and international standards;

(b) Ensure the adequate implementation and functioning of the System of Criminal Responsibility for Adolescents, including by expeditiously designating a governing body and providing adequate human, financial and technical resources;

(c) Provide judges, prosecutors and other specialized professional groups with appropriate education and training on the provisions of the Convention, including a gender perspective, and conduct awareness-raising activities on the System's principles so that the public understands and supports the implementation of the System;

(d) Prioritize efforts and resources to promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, whenever possible, and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

(e) Should detention be unavoidable, ensure that the children are not detained together with adults, that detention conditions are compliant with international standards, in particular with regard to access to education and health services, including drug detoxification and mental health programmes, and that they children are kept as near as possible to their places of origin;

(f) With reference to the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, strengthen measures to prevent violence against children in detention, including by facilitating child-friendly complaint mechanisms in juvenile detention centres.

68. To that effect, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

Child victims and witnesses of crimes

69. The Committee regrets the insufficient measures taken by the State party to protect child victims and witnesses of crimes.

70. **The Committee recommends that the State party ensure that laws, policies, programmes and practices take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex).**

H. Ratification of the Optional Protocol on a communications procedure

71. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

I. Ratification of international human rights instruments

72. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of People with Disabilities, the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

J. Cooperation with regional bodies

73. **The Committee recommends that the State party cooperate with the Organization of American States on the implementation of children's rights, both in the State party and in other member States of that Organization.**

IV. Implementation and reporting

A. Follow-up and dissemination

74. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the fourth and fifth combined periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.**

B. Next report

75. **The Committee invites the State party to submit its sixth and seventh combined periodic reports by 26 August 2021 and to include information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). If a report exceeding the established word limit is submitted, the State party will be asked to shorten it.**

76. **If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

77. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and General Assembly resolution 68/268 (para. 16).**